

IN THE HIGH COURT OF JUDICATURE,

ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and

THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

WRIT PETITION NO : 15542 of 2005

Between:

1. Union of India, rep., by its Secretary, Ministry of Finance, New Delhi.
2. The Chief Commissioner, Customs and Central Excise, Basheerbagh, Hyderabad.
3. The Joint Commissioner, Customs and Central Excise, Division-V, Sai Leela plaza, KPHB Colony, Kukatpally, Hyderabad-24.
4. The Superintendent, Customs and Central Excise, Bollaram Range, Sai Leela Plaza, KPHB Colony, Kukatpally, Hyderabad-24.

..... PETITIONERS

AND

M.Shailaja, d/o late Mr.Daniel, o/o the Supdt., of Central Excise, Moosapet Range, Hyderabad-500 072.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue preferably a writ in the nature of certiorari or any appropriate writ, order or direction, calling for the records pertaining to order dt. 02-12-2004 in OA No.1416 of 2002 on the file of Hon'ble Central Administrative Tribunal, Hyderabad Bench, Hyderabad, and quash the same or pass such further or other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

Counsel for the Petitioners: MR.A.RAJASHEKAR REDDY (ASST SOLICITOR GEN)

Counsel for the Respondent: None appeared.

The Court made the following :

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE M.VENKATESWARA REDDY

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W.P.NO.15542 OF 2005

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ORAL ORDER:

(Per the Hon'ble Sri Justice J.Chelameswar)

Aggrieved by an order dated 02-12-2004 of the Central Administrative Tribunal, Hyderabad, by which the Tribunal directed the applicant therein, to be reinstated into service with backwages and other consequential benefits, the respondents therein, who are various offices of the Union of India, preferred the present writ petition.

The admitted facts are that the sole respondent herein was engaged by the petitioners from 08-01-1994 as "Sweeper-cum-Water Carrier" and she worked till 23-10-2002 in the said capacity. Thereafter the respondent herein approached the Tribunal with a complaint that from 23-10-2002, she was informed orally that her services were terminated. It is in this background of examination of facts and material before it, the Tribunal came to the conclusion that the respondent is entitled for the relief as was granted.

The fact that the respondent was engaged by the petitioners herein for a period of more than eight years itself clearly indicates that there was work in the office, wherever her services were utilized and after extracting work for such a long period, if the petitioners herein are at liberty to simply disengage her services without putting anything on paper or maintaining any record, it would be hard to believe that the Constitutional principle of the rule of law has any application to the petitioners. Apparently, the petitioners believe that they are above the law, which unfortunately for them and fortunately to the rest of the citizens of this country, is not true.

For the foregoing discussion, we are of the opinion that the writ petition is without merits and the same is liable for dismissal.

Accordingly, the writ petition is dismissed at the stage of admission. No costs.

J.Chelameswar, J

M. Venkateswara Reddy, J

19th July 2005

mrk

To

1. The Secretary, Ministry of Finance, Union of India, New Delhi.
2. The Chief Commissioner, Customs and Central Excise, Basheerbagh, Hyderabad.
3. The Joint Commissioner, Customs and Central Excise, Division-V, Sai Leela plaza, KPHB Colony, Kukatpally, Hyderabad-24.
4. The Superintendent, Customs and Central Excise, Bollaram Range, Sai Leela Plaza, KPHB Colony, Kukatpally, Hyderabad-24.
5. Two CD copies.

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